

### **REMARKS**

Applicant has reviewed the Decision on Appeal issued on October 29, 2009, which upheld the rejections of claims 17-31 set forth in the Final Office Action dated February 11, 2008. In response, claim 17 has been amended, claims 18-19, 21-22, 24-25, 27-28, and 30-31 have been canceled and claims 32-36 have been added. Support for the new claims may be found in at least paragraphs [0014, 0016], FIGS. 3 and 5, and claim 19, as originally filed. Therefore, no new matter has been added. Accordingly, claims 17, 20, 23, 26, 29, and 32-36 are pending in this application.

For at least the following reasons, the rejections of all pending claims should be withdrawn and the claims should be passed to issue. While this paper is believed to completely address all pending rejections, Applicant reserves the right to set forth other reasons supporting the patentability of the claims, including reasons supporting the separate patentability of dependent claims not explicitly addressed herein, in future papers.<sup>1</sup> Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

#### **Claim Rejections – 35 U.S.C. §102**

The Final Office Action rejected claims 17-25 & 29-31 under 35 U.S.C. §102(b) as being anticipated by Booker et al. (U.S. Patent No. 5,833,243). However, in the Examiner's Answer expressly withdrew this ground of rejection.

#### **Claim Rejections – 35 U.S.C. §103**

The Final Office Action rejected claims 17-31 under 35 U.S.C. §103(a) as being allegedly unpatentable over Mizukoshi et al. (U.S. Pat. No. 6,135,571; hereafter "Mizukoshi") in view of

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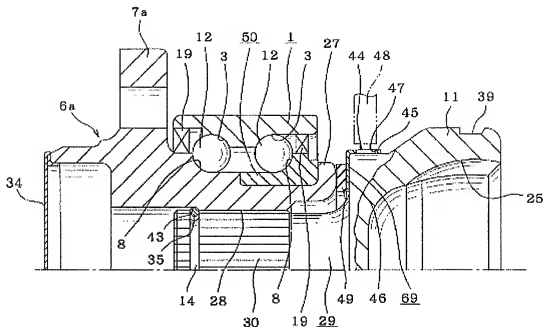
<sup>1</sup> As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome any rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

Coleman (U.S. Pat. No. 2,713,504; hereafter "Coleman"). These rejections are respectfully traversed.

**A. Independent Claim 17: "constant velocity joint assembly comprising . . . bearings positioned on the wheel hub, wherein an inner bearing race of said bearings is directly axially supported on the annular disc."**

Claim 17, as amended, recites a constant velocity joint assembly that comprises an annular disc made of a low-friction material, which is positioned directly on a radial supporting face of an outer joint part. The radial supporting face is located at the joint bell at the base of a connecting journal. A wheel hub is slid on to the connecting journal and is clamped to the outer joint part. Bearings are positioned on the wheel hub and an inner bearing race of the bearings is directly axially supported on the annular disc.

In contrast to claim 17, Mizukoshi teaches away from directly axially supporting an inner bearing race directly on an annular disc. More specifically, referring to FIG. 8 reproduced below, Mizukoshi teaches a joint housing 11 connected to a shaft 30. A portion of a metal backing member 69 is secured against an axially outer end face of the housing 11. (Col. 18, lines 13-22). A wheel hub 6a is connected to the shaft 30. Rolling members 12 are arranged between an outer ring 1 and a separate inner ring 50. As may be seen in the embodiment depicted in FIG. 8, the inner ring 50 is separated from the metal backing member 69 by a crimped portion of the hub 27 and an annular plate 49. See also Col. 18, lines 38-45. Thus, Mizukoshi fails to teach an inner bearing race of the bearings being directly axially supported on an annular disc as expressly recited in claim 17.



**Figure 8 - Mizukoshi**

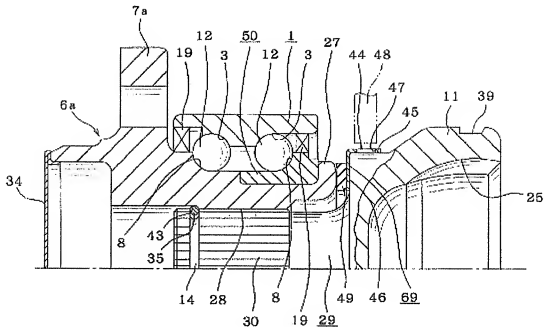
The embodiment shown in FIG. 10 also fails to teach an inner bearing race of the bearings being directly axially supported on an annular disc. FIG. 10 depicts a seal lip 68 secured between the metal backing plate 69 and the inner ring 50. Thus, the embodiment in FIG. 10 also fails to teach, suggest or disclose an inner bearing race of the bearings being directly axially supported on an annular disc as expressly recited in claim 17.

Nor does Coleman make up for the deficiencies of Mizukoshi. Coleman also fails to teach, suggest or disclose an inner bearing race directly axially supported on an annular disc that is positioned directly on the supporting face of an outer joint part. As such, the combination of Mizukoshi and Coleman fails to teach every recitation of amended independent claim 17. For at least this reason, claim 17 is allowable over the recited combination. Furthermore, dependent claims 20, 23, 26, and 29 being dependent upon independent claim 17, are patentable by virtue of their dependency upon allowable independent claim 17. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**B. Independent Claim 32: “constant velocity joint assembly comprising . . . bearings positioned on the wheel hub, and whose inner bearing races are axially clamped to the wheel hub by annular beading at the wheel hub, wherein the annular beading is directly axially supported at the annular disc.”**

New claim 32 recites a constant velocity joint assembly that comprises an annular disc made of a low-friction material, which is positioned directly on a radial supporting face of an outer joint part. The radial supporting face is located at the joint bell at the base of a connecting journal. A wheel hub is slid on to the connecting journal and is clamped to the outer joint part. Bearings are positioned on the wheel hub and an inner bearing races of the bearings are axially claimed to the wheel hub by annular beading at the wheel hub. Further, the annular beading is directly axially supported at the annular disc.

In contrast to claim 32, Mizukoshi teaches away from an annular beading directly axially supported at the annular disc. More specifically, referring to FIG. 8 reproduced below, Mizukoshi teaches a portion of a metal backing member 69 secured against an axially outer end face of a housing 11. The wheel hub 6a is connected to the shaft 30. Rolling members 12 are arranged between an outer ring 1 and a separate inner ring 50. A crimped portion of the hub 27 supports the inner ring 50. However, the crimped portion of the hub 27 is separated from the metal backing member 69 by an annular resilient sealing plate 49. See also Col. 18, lines 38-45. Thus, Mizukoshi fails to teach an annular beading of the wheel hub being directly axially supported on an annular disc as expressly recited in claim 32.



### Figure 8 - Mizukoshi

Nor does Coleman make up for the deficiencies of Mizukoshi. Coleman also fails to teach, suggest or disclose an annular beading of the wheel hub being directly axially supported on an annular disc that is positioned directly on the supporting face of an outer joint part. As such, the combination of Mizukoshi and Coleman fails to teach every recitation of independent claim 32. For at least this reason, claim 32 is allowable over the recited combination. Furthermore, dependent claims 33-36 being dependent upon independent claim 32, are patentable by virtue of their dependency upon allowable independent claim 32.

## CONCLUSION

All pending rejections have been addressed. In view of the above, the pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66967-0032 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

Dated: December 29, 2009

Respectfully submitted,

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